

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHAD HAYSE,

Plaintiff,

Civil Case No. 17-13294
Honorable Linda V. Parker

v.

CITY OF MELVINDALE, a political
subdivision of the State; MELVINDALE
CITY COUNCIL, a legislative body of the
City of Melvindale, NICOLE BARNES,
WHEELER MARSEE, MICHELLE SAID
LAND, DAVE CYBULSKI, CARL LOUVET,
and STEVEN DENSMORE, individuals, sued
in their official and personal capacities,

Defendants.

**OPINION AND ORDER GRANTING PLAINTIFF'S MOTION TO AMEND
COMPLAINT TO ADD A COUNT OF FIRST AMENDMENT
RETALIATION (ECF No. 45)**

Plaintiff Chad Hayse initiated this lawsuit on October 6, 2017 against Defendants (1) City of Melvindale, (2) Melvindale City Council, (3) Nicole Barnes, (4) Wheeler Marsee, (5) Michelle Said Land, (6) Dave Cybulski, (7) Carl Louvet, and (8) Steven Densmore for terminating Plaintiff without providing procedural due process. Presently before the Court is Plaintiff's Motion to Amend Complaint to Add a Count of First Amendment Retaliation, filed March 16, 2018. (ECF No. 45.) Defendants filed a response on March 30, 2018, stating that they do

not object to the motion but seek to reopen Plaintiff's deposition for the limited purpose of questioning on the added claim and regarding the 2000 documents Plaintiff had in his possession prior to his deposition and failed to provide. (ECF No. 62.) Plaintiff filed a reply on April 6, 2018. (ECF No. 64.)

Plaintiff seeks leave to amend his Complaint to add a claim for First Amendment Retaliation. Plaintiff claims that through discovery, he learned that he may have been terminated for posting in a private Facebook group. (ECF No. 45 at Pg ID 1349.) Defendants do not oppose the amendment. (ECF No. 62 at Pg ID 1799.) Federal Rule of Civil Procedure 15(a) instructs the courts to "freely grant[]" leave to amend "where justice so requires." In light of Defendants not opposing Plaintiff's motion, the Court grants Plaintiff's request for leave. Additionally, Defendants will be permitted to depose Plaintiff on the added claim. As to deposing Plaintiff regarding the 2000 documents, the Court has limited information before it and declines to address that issue at this time.

Accordingly,

IT IS ORDERED that Plaintiff's Motion to Amend Complaint (ECF No. 45) is **GRANTED**.

IT IS SO ORDERED.

s/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: April 12, 2018

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, April 12, 2018, by electronic and/or U.S. First Class mail.

s/ R. Loury
Case Manager